

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 14, 2005

DIVISION TWO

[illegible]

The order under review is conditionally reversed and remanded for further proceedings consistent with the views expressed herein. The juvenile court is ordered to reinstate its jurisdiction for the sole purpose of complying with this opinion. In the event the original adjudicatory finding and disposition are reinstated, the condition of probation including the provision that appellant not remain in the presence of anyone who is unlawfully armed is modified to read as follows: “You are not to have any dangerous or deadly weapons in your possession, and you may not remain in the presence of anyone who is known to you to be unlawfully armed.”

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B177281 People (Not for Publication)
v.
Castaneda

The finding on the section 667.5, subdivision (b) allegation is reversed and the one-year term imposed pursuant to that section is stricken. In all other respects, the judgment is affirmed.

Nott, J. (Assigned)

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B174489 People (Not for Publication)
v.
Michael A. Smith

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B177655 Mervat Assaad (Not for Publication)
v.
Carlton Owners Association

The judgment is affirmed. Respondent's motion for sanctions on appeal is denied. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B181042 People (Not for Publication)
v.
Henry Deneb Cifuentes

The judgment is reversed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

September 14, 2005 (Continued)

DIVISION THREE (Continued)

B172488 People (Not for Publication)
v.
Yolanda Delao Garcia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B184192 Leticia J. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B178954 Kelly Smith (Not for Publication)
v.
Tammy Stewart, et al.

The appeal is dismissed. Smith is to pay defendants' costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

September 14, 2005 (Continued)

DIVISION THREE (Continued)

B174691 Business to Business Markets, Inc. et al.
v.
Kshema Technologies, Ltd.

Filed order granting petition for rehearing. Defendant is given leave to file and serve a brief responding to the issues raised in plaintiff's petition by no later than September 28, 2005. The matter shall stand submitted upon the filing of defendant's brief.

DIVISION FOUR

B177564 People (Not for Publication)
v.
Keenan C.

The commitment order is modified to recite Keenan C.'s maximum term of confinement is five years, consisting of five years for the robbery, with the term for the burglary stayed pending service of the term as so modified, at which time the stay shall become permanent. The condition in the minute order that appellant refrain from associating with anyone disapproved by his parents or probation officer is modified to provide that appellant is to refrain from associating with anyone known to appellant to be disapproved by his parents or probation officer. The condition that he stay away from places where users of narcotics, controlled substances, etc. congregate is modified to provide that appellant is to stay away from places he knows to be where users congregate. In all other respects, the order of wardship is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J.

September 14, 2005 (Continued)

DIVISION FOUR (Continued)

B179664 People (Not for Publication)
v.
Bueno

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B176024 People (Not for Publication)
v.
Ruben Joseph Velasquez

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B181570 Human Services Agency
v.
Christina R.

Appearances:
Maureen Keaney for appellant and by Oliver G. Hess, Assistant County Counsel, for respondent. Argument waived, cause submitted.

DIVISION SIX (Continued)

B181109 Human Services Agency
 v.
 Gabriel O., Mary F. & Michelle F.

Merits:

Co-counsel, Steve Pell's request to also present argument on behalf of appellant Mary F. is denied.

Argued by Maureen Keaney for appellant Gabriel O.; by Lawrence E. Fluharty for appellant Michelle F.; by Michael E. Ford for appellant Mary F.; and by Patricia McCourt, Assistant County Counsel for respondent. Cause submitted.

B181391 Ventura Police Officers' Association
 v.
 City of Ventura

Merits:

Argued by Stephen H. Silver for appellants and by Steven M. Berliner for respondent. Cause submitted.

B181339 Hensley
 v.
 Farmers Insurance Exchange

Merits:

Argued by Gary Hensley, appellant, appearing in propria persona and by Gerald M. Siegel, for respondent. Cause submitted.

B175925 Streiter
 v.
 Streiter

Merits:

Argued by Paul M. Volchok for appellant and by Daniel A. Bergman for respondent. Cause submitted.

DIVISION SIX (Continued)

B177214 Debien
 v.
 Countrywide Home Loans, Inc.

Merits:
Argued by Donald M. Adams for appellant and by Karen A. Rooney for
Respondent. Cause submitted.

B174806 Armenta
 v.
 Osmose Wood Preserving, Inc.

Merits:
Argued by Leonora M. Schloss for appellant and by James Cordes for
respondent. Cause submitted.

Yegan, J. left the bench.

B176491 Marriage
 of
 Oxton

Merits:
Argued by John R. Rydell for appellant and by Joseph D. Allen for
respondent. Cause submitted.

Court recessed at 11:05 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B181101 Child Protective Services v. Fermin Z. & Michelle V.
B179472 Dept. of Social Services v. Shalandra B.

Argument waived, cause submitted.

DIVISION SIX (Continued)

B177936 Department of Social Services
 v.
 C. L.

Merits:

Argued by Deborah Dentler for appellant and by Patricia A. Stevens,
Deputy County Counsel, for respondent. Cause submitted.

B179235 Hollis
 v.
 Hollis

Merits:

Argued by Mary Patricia Kulvinskaskas for appellants and by Gabriele
Mezger-Lashly for respondent. Cause submitted.

B175857 McDonell
 v.
 City of San Buenaventura

Merits:

Argued by A. Kimble Ouerbacker for appellants and by Christopher Gilbert
Norman, Assistant City Attorney, for respondent. Cause submitted.

B178645 Medrano
 v.
 Calif. Dept. of Corrections

Merits:

Argued by Jacob Mitchell Weisberg for appellant and by Patricia A.
Nevonen, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B182145 County of San Luis Obispo
v.
Worker's Compensation Appeals Board
Martinez, Respondent

Review:

Presented by Christina Imre for petitioner and by James P. Harvey for respondent Martinez. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B180762 Moore
v.
Madjar

Merits:

Argued by David K. Dorenfeld for appellants and by John M. Williamson for respondents. Cause submitted.

Perren, J. left the bench.

B178100 Coalition to Save Cambria & San Simeon
v.
Cambria Community Services District

Merits:

Argued by Deborah A. Parker for appellants and by Wendy Stockton, Special Counsel, for respondents. Cause submitted.

Court adjourned.

DIVISION SEVEN

B175372 Sara Chavez, etc. (Not for Publication)
 v.
 Clark

The matter is remanded for a determination concerning the extraordinary fees claimed for the Olympic property. In all other respects, the matter is affirmed. Each party is to bear his or her costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B180030 In re Andres R., a Minor (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 Luis R.

The January 27, 2005, paternity finding is vacated. The order denying father reunification services is also vacated. The court's orders in all other respects are affirmed. We remand for a new hearing consistent with this opinion.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

B173817 People (Not for Publication)
 v.
 Collum

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

September 14, 2005 (Continued)

DIVISION SEVEN (Continued)

B169631 Berman (Not for Publication)
v.
Comita et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B175786 Lim (Not for Publication)
v.
The Prudential Insurance

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B176746 People (Not for Publication)
v.
Nettles

The abstract of judgment is ordered corrected as follows: “1. Defendant was convicted of the commission of the following felony: Count 2, Penal Code section 12021” rather than “Penal Code section 12021.1.” Additionally, item 9 should be checked to reflect that the two-year sentence imposed on count 2 “is to run concurrent with” the sentence imposed on count 1. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

September 14, 2005 (Continued)

DIVISION SEVEN (Continued)

B174969 Clancey (Not for Publication)
v.
Paramount Pictures Corp.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B174901 HDOS Enterprises et al., (Not for Publication)
v.
Wellwood

The judgment is reversed. Appellant(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

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The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

September 14, 2005 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The appeal is dismissed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B178656 People (Not for Publication)
v.
Glass

The two Penal Code section 667.5, subdivision (b) enhancements stayed by the trial court are ordered stricken. As modified, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

September 14, 2005 (Continued)

DIVISION SEVEN (Continued)

B177510 People (Not for Publication)
v.
Melgar

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B180769 In re J.S., a Minor (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 M.G.

The order is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

September 14, 2005 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B179014 Los Angeles County, D.C.S. (Not for Publication)
v.
Eugene W. et al.,

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B177103 People v. Beliciu (Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B183391 Bryce H. and Dawn M., (Not for Publication)
v.
Superior Court, Los Angeles County

The petition is denied.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B178897 People (Not for Publication)
v.
Bracey

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B179157 People (Not for Publication)
v.
Drury

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed. The abstract of judgment is ordered corrected (1) to delete reference to a term of seven years to life, plus the applicable enhancement, on count 1; and (2) to reflect a term of life imprisonment with the possibility of parole, plus the applicable enhancement, on that count. The superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B174716 People (Not for Publication)
v.
Manuel F.

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

[illegible]

The appeal is dismissed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION EIGHT

B174126 Darling Construction and Realty Corp. (Not for Publication)
 v.
 Evanston Insurance Company

The judgment is affirmed. Evanston Insurance Company is to receive its costs on appeal.

Boland, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B172559 Frank Maddocks, Inc.,
 v.
 University Medical Products et al.,

Filed order denying petition for rehearing.

B176654 Coapstick
 v.
 Kaiser Foundation Hospital et al.,

Filed order denying petition for rehearing.